

A BILL TO BE ENTITLED

AN ACT

relating to public school teacher performance appraisals,
continuing education, professional development, career
advancement, and compensation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 21, Education Code, is
amended by adding Section 21.009 to read as follows:

Sec. 21.009. TEACHER DEVELOPMENT FRAMEWORK. (a) The
commissioner by rule shall adopt a teacher development framework
that may be used by a school district in making decisions regarding
teachers, including decisions related to:

- (1) appraisals of performance;
- (2) professional development opportunities;
- (3) career advancement; and
- (4) compensation.

(b) The teacher development framework must require that
decisions regarding a teacher's professional development
opportunities, career advancement, and compensation include the
teacher's appraisal as a substantial factor. Decisions regarding
career advancement for a teacher must be based on consecutive
appraisals of the teacher from at least two consecutive years, if
available.

(c) The commissioner shall appoint a committee composed of
educators and other stakeholders to assist the commissioner in

1 reviewing and revising the teacher development framework at least
2 once every five years.

3 SECTION 2. Section 21.054, Education Code, is amended by
4 amending Subsection (a) and adding Subsections (a-1) and (d-1) to
5 read as follows:

6 (a) The board shall propose rules establishing processes [~~a~~
7 ~~process~~] for:

8 (1) identifying continuing education courses and
9 programs that fulfill educators' continuing education
10 requirements; and

11 (2) enabling an educator to provide feedback to the
12 board regarding a course or program completed by the educator.

13 (a-1) The feedback received by the board regarding a
14 continuing education course or program completed by an educator
15 must be accessible to the public.

16 (d-1) Continuing education requirements for a classroom
17 teacher must provide that a significant percentage of the training
18 required every five years includes instruction designed to advance
19 any knowledge and skill identified in the teacher's appraisal as
20 needing improvement.

21 SECTION 3. Section 21.203(a), Education Code, is amended to
22 read as follows:

23 (a) The [~~Except as provided by Section 21.352(c), the~~]
24 employment policies adopted by a board of trustees must require a
25 written evaluation of each teacher at annual or more frequent
26 intervals. The policies adopted by the board may include the use of
27 peer-to-peer review and other measures involving the participation

1 of teachers in the evaluation process. The board must consider the
2 most recent evaluations before making a decision not to renew a
3 teacher's contract if the evaluations are relevant to the reason
4 for the board's action.

5 SECTION 4. Section [21.351](#), Education Code, is amended by
6 amending Subsections (a), (b), and (d) and adding Subsection (a-1)
7 to read as follows:

8 (a) The commissioner shall adopt a recommended appraisal
9 process and criteria on which to appraise the performance of
10 teachers. The criteria must be based on measures of a teacher's
11 performance [~~observable, job-related behavior~~], including:

12 (1) the teacher's [~~teachers'~~] implementation of
13 discipline management procedures; [~~and~~]

14 (2) the academic performance of the teacher's
15 students;

16 (3) teaching standards that articulate expected
17 teacher knowledge, understanding, skill, and practice to ensure
18 student educational growth in academics;

19 (4) classroom observations; and

20 (5) data related to the teacher's efforts, both
21 individually and as part of collaborative settings, to improve the
22 teacher's professional performance, as evident in the teacher's
23 level of professional engagement and growth [~~the performance of~~
24 ~~teachers' students~~].

25 (a-1) In adopting criteria relating to the academic
26 performance of a teacher's students as required by Subsection
27 (a)(2), the commissioner shall include measures of student

1 educational growth based on academics. The measures of student
2 educational growth adopted by the commissioner under this
3 subsection may not be limited to examining the performance of the
4 teacher's students on assessment instruments required under
5 Section 39.023 but must include other measures of student
6 educational growth.

7 (b) The commissioner shall solicit and consider the advice
8 of teachers and other stakeholders in developing the recommended
9 appraisal process and performance criteria.

10 (d) Under the recommended appraisal process, appraisal for
11 teachers must be detailed by category of professional skill and
12 characteristic and must provide for separate ratings for each
13 category. The appraisal process shall guarantee a conference
14 between the teacher and the appraiser. The conference shall be
15 diagnostic and prescriptive with regard to improvement and
16 professional development [~~remediation~~] needed in overall
17 performance and by category.

18 SECTION 5. Section 21.352, Education Code, is amended by
19 amending Subsections (a) and (c) and adding Subsection (g) to read
20 as follows:

21 (a) In appraising teachers, each school district shall use:
22 (1) the appraisal process and performance criteria
23 developed by the commissioner, in conformity with:

24 (A) the teacher development framework described
25 by Section 21.009; and

26 (B) the measures described by Section 21.351(a);

27 or

1 (2) an appraisal process and performance criteria:

2 (A) developed by the district- and campus-level
3 committees established under Section 11.251;

4 (B) containing the items described by Section
5 ~~[Sections]~~ 21.351(a) ~~[(1) and (2)]~~; and

6 (C) adopted by the board of trustees.

7 (c) Appraisal ~~[Except as otherwise provided by this~~
8 ~~subsection, appraisal]~~ must be done at least once during each
9 school year. ~~[A teacher may be appraised less frequently if the~~
10 ~~teacher agrees in writing and the teacher's most recent evaluation~~
11 ~~rated the teacher as at least proficient, or the equivalent, and did~~
12 ~~not identify any area of deficiency. A teacher who is appraised~~
13 ~~less frequently than annually must be appraised at least once~~
14 ~~during each period of five school years.]~~ The district shall
15 maintain a ~~[written]~~ copy of the evaluation of each teacher's
16 performance in the teacher's personnel file. Each teacher is
17 entitled to receive a written or electronic copy of the evaluation
18 promptly on its completion. After receiving a ~~[written]~~ copy of the
19 evaluation, a teacher is entitled to a second appraisal by a
20 different appraiser or to submit a written rebuttal to the
21 evaluation to be attached to the evaluation in the teacher's
22 personnel file. The evaluation and any rebuttal may be given to
23 another school district at which the teacher has applied for
24 employment at the request of that district.

25 (g) The commissioner shall develop a training course to
26 assist and provide support to school administrators in successfully
27 implementing teacher appraisal processes under this section.

1 SECTION 6. The heading to Section 21.402, Education Code,
2 is amended to read as follows:

3 Sec. 21.402. MINIMUM SALARY [~~SCHEDULE~~] FOR CERTAIN
4 PROFESSIONAL STAFF.

5 SECTION 7. Section 21.402(a), Education Code, as effective
6 until September 1, 2017, is amended to read as follows:

7 (a) Except as provided by Subsection (f), a school district
8 must pay each [~~classroom teacher,~~] full-time librarian, full-time
9 school counselor certified under Subchapter B, or full-time school
10 nurse not less than the minimum monthly salary, based on the
11 employee's level of experience in addition to other factors, as
12 determined by commissioner rule, determined by the following
13 formula:

$$14 \qquad \qquad \qquad MS = SF \times FS$$

15 where:

16 "MS" is the minimum monthly salary;

17 "SF" is the applicable salary factor specified by
18 Subsection (c); and

19 "FS" is the amount, as determined by the commissioner
20 under Subsection (b), of the basic allotment as provided by Section
21 42.101(a) or (b) for a school district with a maintenance and
22 operations tax rate at least equal to the state maximum compressed
23 tax rate, as defined by Section 42.101(a).

24 SECTION 8. Section 21.402(a), Education Code, as effective
25 September 1, 2017, is amended to read as follows:

26 (a) Except as provided by Subsection (e-1) or (f), a school
27 district must pay each [~~classroom teacher,~~] full-time librarian,

1 full-time school counselor certified under Subchapter B, or
2 full-time school nurse not less than the minimum monthly salary,
3 based on the employee's level of experience in addition to other
4 factors, as determined by commissioner rule, determined by the
5 following formula:

$$MS = SF \times FS$$

6 where:

7 "MS" is the minimum monthly salary;

8 "SF" is the applicable salary factor specified by
9 Subsection (c); and

10 "FS" is the amount, as determined by the commissioner
11 under Subsection (b), of the basic allotment as provided by Section
12 42.101(a) or (b) for a school district with a maintenance and
13 operations tax rate at least equal to the state maximum compressed
14 tax rate, as defined by Section 42.101(a).

15 SECTION 9. Section 21.402, Education Code, is amended by
16 adding Subsection (a-1) and amending Subsections (c-1), (f), and
17 (h) to read as follows:

18 (a-1) Each school district shall pay a minimum monthly
19 salary to each classroom teacher that is not less than \$2,754. A
20 district may pay a higher monthly salary after considering criteria
21 included in the teacher development framework adopted by the
22 commissioner under Section 21.009 or included in a locally
23 developed framework.

24 (c-1) Notwithstanding Subsections (a) and (b), each school
25 district shall pay a monthly salary to each [~~classroom teacher,~~]
26 full-time speech pathologist, full-time librarian, full-time

1 school counselor certified under Subchapter B, and full-time school
 2 nurse that is at least equal to the following monthly salary or the
 3 monthly salary determined by the commissioner under Subsections (a)
 4 and (b), whichever is greater:

5	Years of	Monthly
6	Experience	Salary
7	0	2,732
8	1	2,791
9	2	2,849
10	3	2,908
11	4	3,032
12	5	3,156
13	6	3,280
14	7	3,395
15	8	3,504
16	9	3,607
17	10	3,704
18	11	3,796
19	12	3,884
20	13	3,965
21	14	4,043
22	15	4,116
23	16	4,186
24	17	4,251
25	18	4,313
26	19	4,372
27	20 & Over	4,427

1 (f) Notwithstanding Subsection (a), a [~~teacher or~~]
2 librarian who received a career ladder supplement on August 31,
3 1993, is entitled to at least the same gross monthly salary the
4 [~~teacher or~~] librarian received for the 1994-1995 school year as
5 long as the [~~teacher or~~] librarian is employed by the same district.

6 (h) In this section, "gross monthly salary" must include the
7 amount a [~~teacher or~~] librarian received that represented a career
8 ladder salary supplement under Section 16.057, as that section
9 existed January 1, 1993.

10 SECTION 10. Sections 21.403(a), (c), and (d), Education
11 Code, are amended to read as follows:

12 (a) A [~~teacher,~~] librarian, school counselor, or nurse
13 shall advance one step on the minimum salary schedule under Section
14 21.402 for each year of experience as a [~~teacher,~~] librarian,
15 school counselor, or nurse until step 20 is reached.

16 (c) The commissioner shall adopt rules for determining the
17 experience for which a [~~teacher,~~] librarian, school counselor, or
18 nurse is to be given credit in placing the [~~teacher,~~] librarian,
19 school counselor, or nurse on the minimum salary schedule. A
20 district shall credit the [~~teacher,~~] librarian, school counselor,
21 or nurse for each year of experience without regard to whether the
22 years are consecutive.

23 (d) As long as a [~~teacher or~~] librarian who received a
24 career ladder supplement is employed by the same school district,
25 the [~~teacher or~~] librarian is entitled to:

26 (1) placement on the minimum salary schedule at the
27 step above the step on which the librarian [~~teacher~~] would

1 otherwise be placed, if the [~~teacher or~~] librarian received a
2 career ladder supplement for level two of the career ladder on
3 August 31, 1993; or

4 (2) placement on the minimum salary schedule at the
5 step two steps above the step on which the librarian [~~teacher~~] would
6 otherwise be placed, if the [~~teacher or~~] librarian received a
7 career ladder supplement for level three of the career ladder on
8 August 31, 1993.

9 SECTION 11. Section 21.4031(a)(2), Education Code, is
10 amended to read as follows:

11 (2) "Service record" means a school district document
12 that indicates the total years of service provided to the district
13 by a [~~classroom teacher,~~] librarian, school counselor, or nurse.

14 SECTION 12. Section 21.4031(b), Education Code, is amended
15 to read as follows:

16 (b) On request by a [~~classroom teacher,~~] librarian, school
17 counselor, or nurse or by the school district employing one of those
18 individuals, a school district that previously employed the
19 individual shall provide a copy of the individual's service record
20 to the school district employing the individual. The district must
21 provide the copy not later than the 30th day after the later of:

22 (1) the date the request is made; or

23 (2) the date of the last day of the individual's
24 service to the district.

25 SECTION 13. The heading to Subchapter J, Chapter 21,
26 Education Code, is amended to read as follows:

1 (1) ~~[be predominantly]~~ campus-based performance
2 objectives; and

3 (2) performance objectives of individual educators
4 established as part of educator appraisals~~[, related to achieving~~
5 ~~campus performance objectives established under Section 11.253,~~
6 ~~and developed and approved by the campus-level committee~~
7 ~~established under Section 11.251]~~.

8 (c) For professional ~~[staff]~~ development under Subsection
9 (a), a school district may use district-wide training ~~[staff~~
10 ~~development]~~ developed and approved through the district-level
11 decision process under Section 11.251, provided that training
12 developed under this subsection does not represent the majority of
13 the district's professional development opportunities.

14 (d) The training described by Subsection (c) ~~[staff~~
15 ~~development]~~:

- 16 (1) may include training in:
- 17 (A) technology;
 - 18 (B) conflict resolution;
 - 19 (C) discipline strategies, including classroom
20 management, district discipline policies, and the student code of
21 conduct adopted under Section 37.001, and Chapter 37; and
 - 22 (D) preventing, identifying, responding to, and
23 reporting incidents of bullying; and

24 (2) subject to Subsection (e) and to Section 21.3541
25 and rules adopted under that section, must include training based
26 on scientifically based research, as defined by Section 9101, No
27 Child Left Behind Act of 2001 (20 U.S.C. Section 7801), that:

1 (A) relates to instruction of students with
2 disabilities; and

3 (B) is designed for educators who work primarily
4 outside the area of special education.

5 (g) The professional [~~staff~~] development may include
6 instruction as to what is permissible under law, including opinions
7 of the United States Supreme Court, regarding prayer in public
8 school.

9 SECTION 16. Sections 21.4511(a) and (b), Education Code,
10 are amended to read as follows:

11 (a) From funds appropriated for that purpose in an amount
12 not to exceed \$2.5 million each year, the commissioner may develop
13 and award grants to school districts, regional education service
14 centers, nonprofit organizations, and institutions of higher
15 education for establishing and providing technical assistance and
16 professional development activities in the professional [~~staff~~]
17 development [~~training~~] of public school teachers and
18 administrators.

19 (b) The professional development [~~training~~] under this
20 section shall include professional development [~~training~~] relating
21 to implementing curriculum and instruction that is aligned with the
22 foundation curriculum described by Section 28.002(a)(1) and
23 standards and expectations for college readiness, as determined by
24 State Board of Education rule under Section 28.008(d).

25 SECTION 17. The heading to Section 21.453, Education Code,
26 is amended to read as follows:

27 Sec. 21.453. PROFESSIONAL [~~STAFF~~] DEVELOPMENT ACCOUNT.

1 SECTION 18. Sections 21.453(a) and (b), Education Code, are
2 amended to read as follows:

3 (a) The professional [~~staff~~] development account is an
4 account in the general revenue fund. The account consists of gifts,
5 grants, donations, appropriations for the purpose of professional
6 [~~staff~~] development under this subchapter, and any other money
7 transferred by law to the account. Funds in the account may be used
8 only as provided by this section.

9 (b) The commissioner may allocate funds from the account to
10 regional education service centers to provide professional [~~staff~~]
11 development resources to school districts that:

- 12 (1) are rated academically unacceptable;
- 13 (2) have one or more campuses rated as academically
14 unacceptable; or
- 15 (3) are otherwise in need of assistance as indicated
16 by the academic performance of students, as determined by the
17 commissioner.

18 SECTION 19. Section 22.107(a), Education Code, is amended
19 to read as follows:

20 (a) A school district shall pay each full-time district
21 employee, other than an administrator or an employee entitled
22 [~~subject~~] to a [~~the~~] minimum salary [~~schedule~~] under Section
23 21.402, an amount at least equal to \$500.

24 SECTION 20. Sections 28.053(a), (d), and (e), Education
25 Code, are amended to read as follows:

26 (a) A school participating in the program may be awarded[+
27 [~~(1)~~] a one-time \$3,000 equipment grant for providing

1 a college advanced placement course or international baccalaureate
2 course to be paid to a school based on need as determined by the
3 commissioner[~~, and~~

4 ~~[(2) \$100 for each student who scores a three or better~~
5 ~~on a college advanced placement test or four or better on an~~
6 ~~international baccalaureate examination].~~

7 (d) A teacher participating in the program may be awarded:

8 (1) subsidized teacher training, not to exceed \$450
9 for each teacher, for a college advanced placement course or an
10 international baccalaureate course; and

11 (2) \$50 for each student enrolled in the teacher's
12 college advanced placement or international baccalaureate course
13 who scores a three or better on the college advanced placement test
14 or four or better on the international baccalaureate examination,
15 as applicable, not to exceed a total amount of \$2,000 each year [~~a~~
16 ~~one-time award of \$250 for teaching a college advanced placement~~
17 ~~course or an international baccalaureate course for the first time,~~
18 ~~and~~

19 ~~[(3) a share of the teacher bonus pool, which shall be~~
20 ~~distributed by the teacher's school in shares proportional to the~~
21 ~~number of courses taught].~~

22 (e) To be eligible for an award under Subsection (d)(2)
23 ~~[(d)]~~, a teacher must teach a college advanced placement course or
24 an international baccalaureate course at a school with a student
25 enrollment in which at least 50 percent of the students are
26 educationally disadvantaged.

27 SECTION 21. Section 38.0041(f), Education Code, is amended

1 to read as follows:

2 (f) The training under Subsection (c) may be included in
3 professional ~~[staff]~~ development and training under Section
4 21.451.

5 SECTION 22. Section 42.2513(a), Education Code, is amended
6 to read as follows:

7 (a) A school district, including a school district that is
8 otherwise ineligible for state aid under this chapter, is entitled
9 to state aid in an amount equal to the sum of:

10 (1) the product of \$500 multiplied by the number of
11 full-time district employees, other than administrators or
12 employees entitled ~~[subject]~~ to a ~~[the]~~ minimum salary ~~[schedule]~~
13 under Section 21.402; and

14 (2) the product of \$250 multiplied by the number of
15 part-time district employees, other than administrators.

16 SECTION 23. Section 823.404(a), Government Code, is amended
17 to read as follows:

18 (a) An eligible member may establish one year of equivalent
19 membership service credit for each year ~~[one or two years]~~ of work
20 experience that was required for the member's certification under
21 Chapter 21, Education Code, in a career or technological field for a
22 maximum of two years ~~[for which the member is entitled to salary~~
23 ~~step credit under Section 21.403(b), Education Code]~~.

24 SECTION 24. Subchapter E, Chapter 825, Government Code, is
25 amended by adding Section 825.4051 to read as follows:

26 Sec. 825.4051. MAINTENANCE OF STATE CONTRIBUTION. (a) The
27 board of trustees shall adopt and maintain a schedule based on the

1 minimum salary schedule for certain professional staff under
2 Section 21.402(c-1), Education Code, as that subsection existed on
3 January 1, 2015, for the purposes of calculating the required state
4 contribution for retirement benefits for classroom teachers under
5 this subtitle.

6 (b) The board of trustees may adopt rules to implement this
7 section.

8 SECTION 25. (a) Sections 21.352(b) and 28.053(b), (c),
9 (f), and (g), Education Code, are repealed.

10 (b) Effective September 1, 2016, Section 21.403(b),
11 Education Code, is repealed.

12 SECTION 26. (a) Except as provided by Subsection (b) of
13 this section, this Act applies beginning with the 2016-2017 school
14 year.

15 (b) Section 28.053, Education Code, as amended by this Act,
16 applies beginning with the 2015-2016 school year.

17 SECTION 27. (a) Sections 21.402, 21.403, 21.4031, and
18 42.2513, Education Code, as amended by this Act, take effect
19 September 1, 2016.

20 (b) Section 823.404(a), Government Code, as amended by this
21 Act, and Section 825.4051, Government Code, as added by this Act,
22 take effect September 1, 2016.

23 (c) Except as otherwise provided by this Act, this Act takes
24 effect immediately if it receives a vote of two-thirds of all the
25 members elected to each house, as provided by Section 39, Article
26 III, Texas Constitution. If this Act does not receive the vote
27 necessary for immediate effect, this Act, except as otherwise

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1 provided, takes effect September 1, 2015.